

Remarks

As will be discussed in greater detail below, the claims have been amended for clarity so as to overcome objections thereto set forth by the Examiner in various parts of the Action. No new matter has been added.

Thus, referring to the objection set forth on page 2 of the Action, claim 7 has been amended to set forth the term 'salt' in the singular. Accordingly, this objection should be withdrawn.

As regards the rejection of claim 8 discussed on pages 3-5 of the action, that claim has been amended both to delete the term 'or prevention' and to limit the recited diseases to two closely related diseases whose treatment is enabled by the disclosure at pages 1 and 2 of the specification, namely, psychosis and depression. Accordingly, this rejection should be withdrawn.

The claims have also been amended so as to obviate the objections to the following recitations discussed in the rejection under the second paragraph of 35 U.S.C. 112 discussed on pages 5-6 of the Action:

"an obvious chemical equivalent" has been deleted from claims 1, 7 and 8;

"where appropriate" has been replaced by 'optionally' in claim 7;

claim 8 has been amended to refer to 'a compound of claim 1.'

With respect to the phrase "one of its variants or mutants," it is respectfully submitted that these terms, as well as how to obtain such mutants and variants, are adequately supported by the detailed discussion in the disclosure at pages 5 and 6 of the specification. Further, the process for obtaining such mutants and variants therein discussed produces only those that can be used to produce compounds of formula (I). Accordingly, this rejection, too, should be reconsidered and withdrawn.

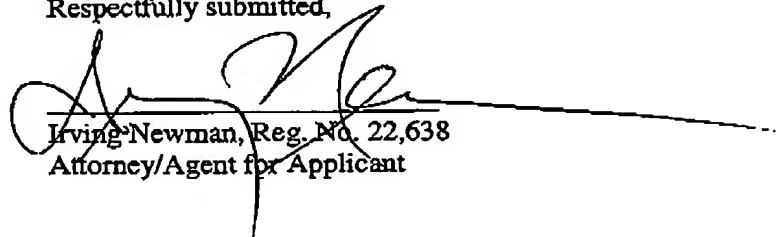
Finally, the rejection of claim 8 under 35 U.S.C. 102 discussed on pages 6 and 7 of the Action is respectfully traversed. As evidenced by the a copy of a letter dated 04-07-2005 from Dr Vera Weihs of the depository in question, DSMZ, to Dr. Frank Sieber of Aventis Pharma Deutschland GmbH, attached hereto as 'Exhibit A,' contrary to the assumption underlying the rejection, i.e. that deposit of the microorganism in question at the depository, DSMZ, placed it in the public domain, even the fact of the deposit was kept secret and out of the public domain until publication of the priority (document from which priority is claimed in the present application), all in accordance with the rules and regulations of the Budapest Treaty. See, particularly, the first

paragraph on page 2 of the attached letter. Accordingly, the rejection for lack of novelty based on applicants' own deposit of the microorganism in accordance with the Budapest Convention is untenable and should be withdrawn.

Conclusions

In view of the foregoing, it is submitted that all of the claims, as amended, are now in condition for Allowance. Prompt action to that effect is earnestly solicited.

Respectfully submitted,



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